

6, 15-17, 20, 29-32, and 35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-65 of Yun et al. (U.S. Pat. No. 5,926,237, herein referred to as “Yun ‘237”); rejected claims 1-3, 6, 15-17, 20, 29-32, and 35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of Yun et al. (U.S. Pat. No. 6,373,537, herein referred to as “Yun ‘537”); and rejected claims 1-3, 6, 15-17, 20, 29-32, and 35 under 35 U.S.C. §103(a) as being unpatentable over Masanori (JP Publication No. 07-099394). The rejections of these claims is traversed and reconsideration of the claims is respectfully requested in view of the following remarks.

The rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of Yun ‘139 is respectfully traversed and reconsideration is respectfully requested.

Claim 1 is allowable over the cited references in that claim 1 recites a combination of elements including, for example, “... an outer casing having a side wall; ...a second frame configured to engage the first frame with the flat panel therebetween, the second frame having a second side panel, the second side panel defining an opening; and a bracket between the first and second side panels of the first and second frames, respectively, the bracket having a projecting part configured to be fitted in the opening of the second side panel of the second frame, wherein the frame is secured to the side wall of the outer casing with a fastener coupled to the bracket through the outer casing.” None of the cited references, including Yun ‘139, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 1 and claims 2, 3, 6, and 35, which depend therefrom are allowable over the cited references.

Claim 15 is allowable over the cited references in that claim 15 recites a combination of elements including, for example, “a controller connected to the flat panel display for controlling the images; an outer casing that encloses at least a part of the flat panel display, the outer casing having at least one side wall; ...a top case configured to engage the frame with the flat panel display therebetween, the top case having at least one side panel and the side panel defining an opening; and a bracket disposed between the side panels of the frame and the top case, the bracket having a projecting part configured to be fitted in the opening of the side panel of the top case, wherein the frame is secured to the side wall of the outer casing with a fastener coupled to the bracket through the outer casing.” None of the cited references, including Yun '139, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 15 and claims 16, 17, and 20, which depend therefrom are allowable over the cited references.

Claim 29 is allowable over the cited references in that claim 29 recites a combination of elements including, for example, “an outer casing having at least one side wall; ...and bracket means for securing the top case means and the frame means to the outer casing, the bracket means being disposed between the side panels of the frame means and the top case means, the bracket means having a projecting part configured to be fitted in the opening of the side panel of the top case, wherein the frame means is secured to the side wall of the outer casing with a fastening means coupled to the bracket through the outer casing.” None of the cited references, including Yun '139, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 29 is allowable over the cited references.

Claim 30 is allowable over the cited references in that claim 30 recites a combination of elements including, for example, “forming an outer casing having a side wall; forming a second frame configured to engage the first frame with the flat panel display therebetween, the second frame having a second side panel, the second side panel defining an opening; and forming a bracket between the first and second side panels of the first and second frames, respectively, the bracket having a projecting part configured to be fitted in the opening of the second side panel of the second frame, wherein the frame is secured to the side wall of the outer casing with a fastener coupled to the bracket through the outer casing.” None of the cited references, including Yun ‘139, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 30 and claims 31 and 32, which depend therefrom are allowable over the cited references.

In rejecting claims 1-3, 6, 15-17, 29-32, and 35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of Yun ‘139, the Examiner stated “[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because both comprise common and overlapping subject matter.”

Applicant respectfully submits, however, that claims 1-3, 6, 15-17, 29-32, and 35 are not properly rejected under the judicially created doctrine of obviousness-type double patenting. For example, Applicant respectfully directs the Examiner to MPEP § 804, stating “[a] double patenting rejection of the obvious-type is ‘analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. § 103’ except that the patent principally underlying the double patenting rejection is not considered prior art. ... Therefore, any analysis

employed in an obvious-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. ...Since the analysis employed in an obvious-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection, the factual inquiries set forth in *Graham v. John Deere Co.* ..., that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are employed when making an obvious-type double patenting analysis. ...Any obvious-type double patenting rejection should make clear: (A) The differences between the inventions defined by the conflicting claims – a claim in the patent compared to a claim in the application; and (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.” Applicant respectfully submits the Examiner’s reasons for obviousness (i.e., because both comprise common and overlapping subject matter) fails to establish the *prima facie* case of obviousness required by obvious-type double patenting.

The rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of Yun ‘237 is respectfully traversed and reconsideration is respectfully requested.

Similar arguments present above with respect to the obvious-type double patenting rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 in light of Yun ‘139 are also applicable to the obvious-type double patenting rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 in light of Yun ‘237.

The rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-65 of Yun ‘237 is respectfully traversed and reconsideration is respectfully requested.

Similar arguments present above with respect to the obvious-type double patenting rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 in light of Yun '139 are also applicable to the obvious-type double patenting rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 in light of Yun '237.

The rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of Yun '537 is respectfully traversed and reconsideration is respectfully requested.

Similar arguments present above with respect to the obvious-type double patenting rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 in light of Yun '139 are also applicable to the obvious-type double patenting rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 in light of Yun '537.

The rejection of claims 1-3, 6, 15-17, 20, 29-32, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Masanori is respectfully traversed and reconsideration is respectfully requested.

Claim 1 is allowable over the cited references in that claim 1 recites a combination of elements including, for example, "... an outer casing having a side wall; ...a second frame configured to engage the first frame with the flat panel therebetween, the second frame having a second side panel, the second side panel defining an opening; and a bracket between the first and second side panels of the first and second frames, respectively, the bracket having a projecting part configured to be fitted in the opening of the second side panel of the second frame, wherein the frame is secured to the side wall of the outer casing with a fastener coupled to the bracket through the outer casing." None of the cited references, including Masanori, singly or in combination, teaches or suggests at least these features of the claimed

invention. Accordingly, Applicant respectfully submits that independent claim 1 and claims 2, 3, 6, and 35, which depend therefrom are allowable over the cited references.

Claim 15 is allowable over the cited references in that claim 15 recites a combination of elements including, for example, “a controller connected to the flat panel display for controlling the images; an outer casing that encloses at least a part of the flat panel display, the outer casing having at least one side wall; ...a top case configured to engage the frame with the flat panel display therebetween, the top case having at least one side panel and the side panel defining an opening; and a bracket disposed between the side panels of the frame and the top case, the bracket having a projecting part configured to be fitted in the opening of the side panel of the top case, wherein the frame is secured to the side wall of the outer casing with a fastener coupled to the bracket through the outer casing.” None of the cited references, including Masanori, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 15 and claims 16, 17, and 20, which depend therefrom are allowable over the cited references.

Claim 29 is allowable over the cited references in that claim 29 recites a combination of elements including, for example, “an outer casing having at least one side wall; ...and bracket means for securing the top case means and the frame means to the outer casing, the bracket means being disposed between the side panels of the frame means and the top case means, the bracket means having a projecting part configured to be fitted in the opening of the side panel of the top case, wherein the frame means is secured to the side wall of the outer casing with a fastening means coupled to the bracket through the outer casing.” None of the cited references, including Masanori, singly or in combination, teaches or suggests at least

these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 29 is allowable over the cited references.

Claim 30 is allowable over the cited references in that claim 30 recites a combination of elements including, for example, “forming an outer casing having a side wall; forming a second frame configured to engage the first frame with the flat panel display therebetween, the second frame having a second side panel, the second side panel defining an opening; and forming a bracket between the first and second side panels of the first and second frames, respectively, the bracket having a projecting part configured to be fitted in the opening of the second side panel of the second frame, wherein the frame is secured to the side wall of the outer casing with a fastener coupled to the bracket through the outer casing.” None of the cited references, including Masanori, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 30 and claims 31 and 32, which depend therefrom are allowable over the cited references.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited. Should the Examiner deem that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at (202) 496-7500.

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If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

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